

### **REMARKS**

This is intended to be a complete response to the official action mailed August 1, 2006 in which claims 14-19, 22-41, 55-60 and 63-73 were rejected. Claims 14-19, 22-41, 55-60 and 63-73 have been amended. New claims 74-91 have been added.

New independent claims 74, 75, 81, 85, and 86 are similar to pending independent claims 14, 22, 33, 55, and 63, respectively, except that the new claims instead indicate that the fucosylated HSCs have "enhanced binding to P-selectin or E-selectin". This feature is described and supported variously in ¶¶ 9, 11, 24, 26, 51-52, 56-57, and 77, and elsewhere in the specification.

Claims 14-19, 22-41, 55-60, and 63-91 are now pending in the application.

### **TITLE OF THE INVENTION**

The title of the invention has been amended to be more indicative of the invention to which the claims are now directed.

### **REJECTION UNDER §112¶2**

Claims 14-19, 22-41, 55-60 and 63-73 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

In particular, claims 14-19, 22-32, 55-60 are indicated in the rejection as indefinite and ambiguous in the recitation of "treated HSCs", in that the characteristics and metes and bounds of "treated HSCs" are unclear and indefinite.

The claims have been amended to indicated that the HSCs are fucosylated HSCs wherein the HSCs are produced by treatment in vitro with an  $\alpha$ 1,3 fucosyltransferase in the presence of a fucose donor. The fucosylated HSCs have enhanced binding to P-selectin or E-selectin (characterized in claims 14, 22, 33, 55 and 63 as at least 10% of the fucosylated HSCs able to bind to P-selectin or E-selectin).

Claims 33-41 and 63-73 are indicated as indefinite and ambiguous in the recitation of "providing a quantity of HSCs".

The claims have been amended to delete reference to providing "a quantity of" HSCs and now simply refer to "providing HSCs".

In view of the above, it is respectfully requested that the rejections under §112¶2 be reconsidered and withdrawn.

**REJECTION UNDER §112¶1**

Claims 14-19, 22-41, 55-60 and 63-73 stand rejected under 35 U.S.C. 112, first paragraph on the basis that the specification, while being enabling for composition comprising fucosylated HSCs, wherein said fucosylated HSCs are produced by treating HSCs in vitro with an  $\alpha$ 1,3 fucosyltransferase in the

presence of a fucose donor and wherein said HSCs have enhanced binding to P-selectin or E-selectin, does not reasonably provide enablement for a composition comprising "any treated HSCs".

As noted above, claims 14-19, 22-32, and 55-60 have been amended to indicate that the fucosylated HSCs are produced by in vitro treatment with an  $\alpha$ 1,3 fucosyltransferase in the presence of a fucose donor to have enhanced binding to P-selectin or E-selectin.

Claims 33-41 and 63-73 already had similar limitations therein, and thus their inclusion in the rejection under §112¶1 was inadvertent, as was confirmed in a telephone conversation between applicants' agent Christopher Corbett, the assignee's representative Melissa Alcorn, and the Examiner on Tuesday, September 12, 2006.

In view of the above, it is respectfully requested that the rejection of the claims under 35 U.S.C. §112¶1 be reconsidered and withdrawn.

#### **REJECTION UNDER §102(b)**

Claims 14-19, 22-32, 55-60 stand rejected under 35 U.S.C. 102(b) as being anticipated by Frenette et al (IDS), on the basis that the pending claims must be "given the broadest reasonable interpretation consistent with the specification, (see MPEP 2100.), the Examiner noting that claim 14 broadly recited "treated HSCs", thus, when claim 14 is given its broadest reasonable interpretation, it can read on any treated HSCs".

As noted above, the claims have been amended to indicate that the HSCs are fucosylated HSCs wherein the HSCs are produced by treatment in vitro with an  $\alpha$ 1,3 fucosyltransferase in the presence of a fucose donor. The fucosylated HSCs have enhanced binding to P-selectin or E-selectin (characterized in claims 14, 22, 33, 55 and 63 as at least 10% of the fucosylated HSCs binding to P-selectin or E-selectin).

In view of the above, it is respectfully requested that the rejection of the claims under 35 U.S.C. §102(b) be reconsidered and withdrawn.

### **CONCLUSION**

In view of the above, it is respectfully submitted that the claims are now in a condition for allowance and issuance of a Notice of Allowance is thereby requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher W. Corbett", is written over a horizontal line.

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